

APPEAL, CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:02-cv-02467-PLF**

LONG et al v. DEPARTMENT OF JUSTICE
Assigned to: Judge Paul L. Friedman
Case in other court: 07-05113
Cause: 05:552 Freedom of Information Act

Date Filed: 12/16/2002
Date Terminated: 09/08/2006
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

SUSAN B. LONG

represented by **Michael Edward Tankersley**
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Plaintiff

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V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Andrew H. Tannenbaum**
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Date Filed	#	Docket Text
12/16/2002	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 150.) , filed by DAVID BURNHAM , SUSAN LONG .(mpt,) (Entered: 12/18/2002)
12/16/2002		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE , U.S. Attorney and U.S. Attorney General (mpt,) (Entered: 12/18/2002)
12/16/2002	<u>2</u>	NOTICE OF RELATED CASE by DAVID BURNHAM , SUSAN LONG . Case related to Case No. 00CV211(PLF). (mpt,) (Entered: 12/18/2002)
01/15/2003	<u>3</u>	ANSWER to Complaint by DEPARTMENT OF JUSTICE.(Tannenbaum, Andrew) (Entered: 01/15/2003)
03/19/2003	<u>4</u>	MOTION to Consolidate Cases <i>and for Summay Judgment</i> by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Affidavit Declaration of Susan Long# <u>2</u> Exhibit Exhibits to Declaration of Susan Long)(Tankersley, Michael) (Entered: 03/19/2003)
03/28/2003	<u>5</u>	MOTION to Stay <i>Consideration of Claims Raised in Plaintiffs' Motion for Summary Judgment Which Are Already Pending Before the Court</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Combined Memorandum in Support of Defendant's Motion to Stay and in Opposition to Plaintiffs' Motion to Consolidate)(Tannenbaum, Andrew) (Entered: 03/28/2003)
03/28/2003	<u>6</u>	MOTION for Extension of Time to <i>File Opposition to Plaintiffs' Motion for Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Tannenbaum, Andrew) (Entered: 03/28/2003)
04/01/2003		MINUTE ORDER granting <u>6</u> defendant's motion for an extension of time up to and including May 9, 2003 in which to file opposition to plaintiffs' motion for summary judgment. Signed by Judge Paul L. Friedman on April 1, 2003. (ma) (Entered: 04/01/2003)
04/07/2003	<u>7</u>	REPLY in support of motion re <u>4</u> <i>and Opposition to motion for stay</i> <u>5</u> filed by DAVID BURNHAM, SUSAN B. LONG. (Tankersley, Michael) (Entered: 04/07/2003)
04/16/2003	<u>8</u>	REPLY in support of motion re <u>5</u> <i>to Stay</i> filed by DEPARTMENT OF JUSTICE. (Tannenbaum, Andrew) (Entered: 04/16/2003)
04/23/2003	<u>9</u>	ORDER that a status conference shall take place on April 30, 2003 at 10:00 a.m. in view of plaintiffs' motion to consolidate this case with related Civil Action No. 00-0211, and defendant's motion to stay four out of the five claims raised by plaintiffs in this action pending disposition of like--issues in Civil Action No. 00-0211. Signed by Judge Paul L. Friedman on April 23, 2003. (ma) (Entered: 04/23/2003)
04/25/2003	<u>10</u>	MOTION to Continue <i>Status Conference</i> by SUSAN B. LONG. (Attachments: # <u>1</u> Text of Proposed Order)(Tankersley, Michael) (Entered: 04/25/2003)
04/28/2003		MINUTE ORDER granting <u>10</u> plaintiffs' unopposed motion for continuance of status conference from April 30, 2003 to May 6, 2003 at 9:30 a.m. Signed by Judge Paul L. Friedman on April 28, 2003. (ma) (Entered: 04/28/2003)

05/06/2003		Minute Entry: Status Conference held on 5/6/2003 before Judge Paul L. Friedman: Defendant's Response to Motion for Summary Judgment and Cross Motions due by 5/30/2003; Plaintiffs' Reply to Motion for Summary Judgment and Response to Cross Motions due by 6/13/2003; Defendant's Reply to Cross Motions due by 6/27/2003. (Court Reporter Santa Zizzo.) (bm) (Entered: 05/06/2003)
05/12/2003	<u>11</u>	ORDER granting <u>4</u> Motion to Consolidate Cases; consolidating Civil Action No. 00-211 and Civil Action No. 02-2467 for all purposes, including decision on the merits; denying <u>5</u> defendant's motion to stay; plaintiffs shall withdraw their motion for summary judgment in Civil Action No. 02-2467 and shall resubmit the motion in accordance with the conditions stated by 5/16/03; defendant shall file its opposition to plaintiffs' motion and its cross motion for summary judgment by 5/30/03; plaintiffs shall file their reply and their opposition to defendant's cross-motion by 6/13/03 and defendant shall file its reply by 6/27/03. Signed by Judge Paul L. Friedman on 5/9/03. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(bm) (Entered: 05/12/2003)
05/16/2003	<u>12</u>	Amended MOTION for Summary Judgment by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit Declaration of Susan Long# <u>3</u> Exhibit Exhibits A-L to Declaration of Susan Long)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tankersley, Michael) (Entered: 05/16/2003)
05/20/2003	<u>13</u>	MOTION for Extension of Time to <i>File Reply</i> by DEPARTMENT OF JUSTICE. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 05/20/2003)
05/30/2003	<u>14</u>	MOTION for Summary Judgment by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Combined Memorandum in Support of Defendant's Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment# <u>2</u> Declaration of Alan Gershel# <u>3</u> Declaration of Jeffery D. Rupert# <u>4</u> Declaration of John Garvey# <u>5</u> Declaration of Marie A. O'Rourke and Attached Exhibits# <u>6</u> Declaration of Siobhan E. Sperin# <u>7</u> Statement and Counter-Statement of Undisputed Material Facts)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 05/30/2003)
06/03/2003	<u>15</u>	Memorandum in opposition to motion re <u>13</u> filed by DAVID BURNHAM, SUSAN B. LONG. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tankersley, Michael) (Entered: 06/03/2003)
06/06/2003	<u>16</u>	REPLY to <u>15</u> in <i>Support of Defendant's Motion for an Extension of Time</i> by DEPARTMENT OF JUSTICE. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 06/06/2003)
06/09/2003		MINUTE ORDER granting defendant's motion for extension of time up to and including July 11, 2003 to file its reply. Signed by Judge Paul L. Friedman on June 9, 2003. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(ma) (Entered: 06/09/2003)
06/13/2003	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>12</u> Amended MOTION for Summary Judgment, <u>14</u> MOTION for Summary Judgment by DAVID BURNHAM, SUSAN B. LONG. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tankersley, Michael) (Entered: 06/13/2003)
06/16/2003		MNUTE ORDER granting <u>17</u> plaintiffs' motion for extension of time to file their opposition to defendant's cross motion for summary judgment and reply in support of plaintiffs' motion for summary judgment up to and including June 16, 2003. Signed by Judge Richard J. Leon for Judge Paul L. Friedman on June 16, 2003. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(ma) (Entered: 06/16/2003)
06/16/2003	<u>18</u>	Memorandum in opposition to motion re <u>14</u> and <i>Reply In Support Of Plaintiffs' Resubmitted Motion For Summary Judgmt</i> <u>12</u> with Plaintiffs' Response to Defendants Counter-Statement of Undisputed Facts filed by DAVID BURNHAM,

		SUSAN B. LONG. (Attachments: # <u>1</u> Affidavit Supplemental Declaration of Susan Long# <u>2</u> Exhibit Exhibit A to Supplemental Declaration of Susan Long# <u>3</u> Affidavit Declaration of Susan Kaplan)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tankersley, Michael) (Entered: 06/16/2003)
07/11/2003	<u>19</u>	REPLY in support of motion re <u>14</u> for Summary Judgment filed by DEPARTMENT OF JUSTICE. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 07/11/2003)
08/01/2003	<u>20</u>	MOTION for Leave to File <i>Surreply Addressing New Authority Cited in Defendant's Reply in Support of Defendant's Motion for Summary Judgment</i> by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Surreply Memorandum# <u>3</u> Exhibit Reynolds Declaration from CNSS v. DOJ)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tankersley, Michael) (Entered: 08/01/2003)
08/11/2003	<u>21</u>	ORDER granting <u>20</u> Plaintiffs' Motion for Leave to File Surreply Addressing New Authority Cited in Defendant's Reply in Support of Defendant's motion for Summary Judgment. Directing that Clerk of Court shall file the surreply brief and its accompanying exhibit attached to plaintiffs' motion this same day. If defendant choose to respond to plaintiffs' surreply, it shall file a response of no more than seven pages on or before 8/20/03.. Signed by Judge Paul L. Friedman on August 11, 2003. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(jwd) (Entered: 08/13/2003)
08/11/2003	<u>22</u>	Surrply addressing new authority cited in defendant's reply in support of defendant's motion for summary judgment by DAVID BURNHAM, SUSAN B. LONG Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(td,) (Entered: 08/14/2003)
08/20/2003	<u>23</u>	RESPONSE to <u>22</u> Plaintiffs' Surreply by DEPARTMENT OF JUSTICE. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 08/20/2003)
03/12/2004	<u>24</u>	NOTICE of Appearance by Scott Lawrence Nelson on behalf of all plaintiffs Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Nelson, Scott) (Entered: 03/12/2004)
11/01/2005	<u>25</u>	ORDER that on or before November 16, 2005, each party shall file with the Court a notice of no more than ten pages in length, apprising the Court of any recent case law relevant to its arguments as set forth in the briefs. Signed by Judge Paul L. Friedman on November 1, 2005. (MA) Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF (Entered: 11/01/2005)
11/14/2005	<u>26</u>	Unopposed MOTION for Extension of Time to <i>File Notices of Recent Case Law</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Goitein, Elizabeth) (Entered: 11/14/2005)
11/15/2005		MINUTE ORDER granting <u>26</u> defendant's unopposed motion for extension of time up to and including November 30, 2005 for both parties to file notices of recent case law. Signed by Judge Paul L. Friedman on November 15, 2005. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(MA) (Entered: 11/15/2005)
11/30/2005	<u>27</u>	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by SUSAN B. LONG, DAVID BURNHAM (Attachments: # <u>1</u> Opinion in Gerstein v. DOJ)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Nelson, Scott) (Entered: 11/30/2005)
11/30/2005	<u>28</u>	NOTICE of Recent Case Law by UNITED STATES DEPARTMENT OF JUSTICE Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Goitein, Elizabeth) (Entered: 11/30/2005)
03/30/2006	<u>29</u>	ORDER granting in part <u>10</u> plaintiffs' motion for partial summary judgment filed in Civil Action No. 00-0211, granting in part and denying in part <u>126</u> defendant's

		<p>motion for summary judgment filed in Civil Action No. 00-0211, granting in part and denying in part 135 plaintiffs' motion for partial summary judgment on the Department's Revised Exemption Claims and plaintiffs' claims concerning notice of delay and fee waiver filed in Civil Action No. 00-0211 granting in part and denying in part 162 plaintiffs' resubmitted motion for summary judgment filed in Civil Action No. 00-0211, granting in part and denying in part <u>12</u> plaintiffs' resubmitted motion for summary judgment filed in Civil Action No. 02-2467, and granting in part and denying in part <u>14</u> defendant's motion for summary judgment filed in Civil Action No. 02-2467. An opinion explaining the reasoning underlying this order will issue shortly. Signed by Judge Paul L. Friedman on March 30, 2006. (MA)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(MA,) (Entered: 03/30/2006)</p>
09/08/2006	<u>30</u>	<p>OPINION denying as moot plaintiffs' first motion for partial summary judgment filed in #00-0211, granting in part and denying in part plaintiffs' second motion for partial summary judgment filed in #00-0211 and plaintiffs' motion for summary judgment filed in #02-2467, granting in part and denying in part defendant's motions for summary judgment filed in both #00-0211 and #02-2467. The Court will issue this same date an amended order directing defendant to release specific categories of records in accordance with this opinion. Signed by Judge Paul L. Friedman on September 8, 2006. (MA)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF (Entered: 09/08/2006) (Entered: 09/08/2006)</p>
09/08/2006	<u>31</u>	<p>AMENDED ORDER. Signed by Judge Paul L. Friedman on September 8, 2006. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(MA)Presiding Judge: Friedman, Paul L. (Entered: 09/08/2006) (Entered: 09/08/2006)</p>
09/19/2006	<u>32</u>	<p>Consent MOTION for Extension of Time to <i>File Motions for Attorneys' Fees and Bills of Costs</i> by SUSAN B. LONG, DAVID BURNHAM. (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Nelson, Scott) (Entered: 09/19/2006)</p>
09/22/2006	<u>33</u>	<p>MOTION to Alter Judgment, MOTION for Reconsideration, MOTION to Stay by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A (Declaration of Christopher Jeffries)# <u>2</u> Exhibit B (Declaration of Richard L. Murphy))Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Tannenbaum, Andrew) (Entered: 09/22/2006)</p>
10/03/2006	<u>34</u>	<p>Consent MOTION for Extension of Time to File Response/Reply as to <u>33</u> MOTION to Alter Judgment MOTION for Reconsideration MOTION for Reconsideration MOTION to Stay MOTION to Stay by SUSAN B. LONG, DAVID BURNHAM. (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(Nelson, Scott) (Entered: 10/03/2006)</p>
10/04/2006		<p>MINUTE ORDER granting <u>34</u> Consent Motion for Extension of Time to Respond to Defendant's Motion for Reconsideration or to Alter or Amend Judgment. Plaintiff shall file a response on or before October 16, 2006. Signed by Judge Paul L. Friedman on 10/4/06. (lcplf1) (Entered: 10/04/2006)</p>
10/04/2006		<p>Set/Reset Deadlines: Response to <u>33</u> motion for reconsideration due by 10/16/2006. Associated Cases: 1:02-cv-02467-PLF,1:00-cv-00211-PLF(mm) (Entered: 10/04/2006)</p>
10/13/2006	<u>35</u>	<p>Memorandum in opposition to re <u>33</u> MOTION to Alter Judgment MOTION for Reconsideration MOTION for Reconsideration MOTION to Stay MOTION to Stay filed by SUSAN B. LONG, DAVID BURNHAM. (Attachments: # <u>1</u> Affidavit Declaration of Susan B. Long in Opposition to Defendant's Motion for Reconsideration# <u>2</u> Text of Proposed Order)(Nelson, Scott) (Entered: 10/13/2006)</p>
10/20/2006	<u>36</u>	<p>MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Goitein, Elizabeth) (Entered: 10/20/2006)</p>

10/23/2006		MINUTE ORDER granting <u>36</u> defendant's unopposed motion for extension of time up to and including November 2, 2006 to file reply in support of motion for reconsideration. Signed by Judge Paul L. Friedman on October 23, 2006. (MA) (Entered: 10/23/2006)
10/23/2006		Set Deadlines: Reply in support of <u>33</u> motion for reconsideration due by 11/2/2006. (mm) (Entered: 10/24/2006)
10/24/2006	<u>37</u>	SECOND AMENDED ORDER AND JUDGMENT. Signed by Judge Paul L. Friedman on October 24, 2006. (MA) (Entered: 10/24/2006)
10/25/2006		MINUTE ORDER granting the defendant's consented-to request for a stay; the Court's Order is stayed until 10 days following the Court's resolution of the motion to alter or amend the judgment. Signed by Judge Paul L. Friedman on 10/25/06. (lcplf1) (Entered: 10/25/2006)
11/02/2006	<u>38</u>	REPLY to opposition to motion re <u>33</u> MOTION to Alter Judgment, MOTION for Reconsideration, MOTION to Stay filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Second Declaration of Christopher Jeffries)(nmw,) (Entered: 11/03/2006)
02/02/2007	<u>39</u>	ORDER granting in part and denying in part <u>33</u> Motion to Alter Judgment, granting in part and denying in part <u>33</u> Motion for Reconsideration, granting in part and denying in part <u>33</u> Motion to Stay. Signed by Judge Paul L. Friedman on February 2, 2007. (MA) (Entered: 02/02/2007)
02/02/2007	<u>40</u>	OPINION granting in part and denying in part defendant's motion for reconsideration of the court's opinion and order of 9/8/06 or in the alternative to alter or amend the judgment in this case. Signed by Judge Paul L. Friedman on February 2, 2007. An order consistent with this opinion will issue this same day. (MA) (Entered: 02/02/2007)
02/12/2007	<u>41</u>	Consent MOTION to Stay <i>Pending Consideration of Whether to Appeal and Pending Any Appeal</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Tannenbaum, Andrew) (Entered: 02/12/2007)
02/13/2007		MINUTE ORDER granting <u>41</u> defendant's consent motion for a stay pending consideration of whether to appeal and pending any appeal. Signed by Judge Paul L. Friedman on February 13, 2007. (MA) (Entered: 02/13/2007)
04/03/2007	<u>42</u>	NOTICE OF APPEAL as to <u>31</u> Order, <u>39</u> Order on Motion to Alter Judgment,, Order on Motion for Reconsideration,, Order on Motion to Stay, <u>37</u> Order by SUSAN B. LONG, DAVID BURNHAM. Fee Status: Fee Not Paid. Parties have been notified. (td,) (Entered: 04/04/2007)
04/04/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>42</u> Notice of Appeal (td,) (Entered: 04/04/2007)
04/13/2007		USCA Case Number 07-5113 for <u>42</u> Notice of Appeal filed by DAVID BURNHAM, SUSAN B. LONG. (td,) (Entered: 04/16/2007)
06/04/2007	<u>43</u>	Joint MOTION for Extension of Time to <i>Defer Fee Issues Until Resolution of Appeals</i> by SUSAN B. LONG, DAVID BURNHAM, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Scott) (Entered: 06/04/2007)
06/06/2007		MINUTE ORDER granting <u>43</u> parties' joint motion to defer fee issues until resolution of appeals. Signed by Judge Paul L. Friedman on June 6, 2007.(MA) (Entered: 06/06/2007)